

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

Bail Appl..No. 50 of 2007()

CRMP.1238/2006 of DISTRICT COURT, KALPETTA
CR 97/06 of Sulthan Bathery Excise Range
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: PETITIONERS/ACCUSED NOS.1 & 2

1. RIJU THOMAS, S/O. THOMAS,
PALAMATTOM (H), ERUMATHALA,
ALUVA, ALUVA THALUK, ERNAKULAM (DIST).
2. BENNY, S/O.VARGHESE,
KACHAPILLY (H) INJIKAVALA,
MANIKKAMANGALAM, KALADY, ALUVA THALUK,
ERNAKULAM (DIST).

BY ADV. SRI.C.C.THOMAS

RESPONDENT: COMPLAINANT

STATE OF KERALA REPRESENTED BY
EXCISE INSPECTOR, SULTHAN BATHERY EXCISE RANGE,
WAYANAD DISTRICT, REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09/01/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V.Ramkumar, J.
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B.A.No. 50 of 2007
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Dated this the 9th day of January,2007.

ORDER

Petitioners, who are accused Nos. 1 and 2 in CR No.97 of 2006 of Sulthan Batheri Excise Range for an offence punishable under Section 55(a) of the Abkari Act for allegedly having transported 5600 litres of spirit on 9.11.2006 in a container lorry, seek their enlargement on bail.

2. Even though the learned Public Prosecutor opposed the application, he fairly submitted that no final report has been filed even after 60 days of judicial custody of the petitioners. If so, the petitioners are entitled to bail as of right by virtue of the proviso to Section 167(2) Cr.P.C.

3. Accordingly, the petitioners are directed to be released on bail on each of them executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.- I, Sulthan Batheri and subject to the following conditions:-

1. Petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.
2. Petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.
3. Petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.
4. Petitioners shall not commit any offence while on bail.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

V.Ramkumar,
Judge.